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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

13 KATHERINE DENISE BAIRD
14 aka Katherine Denise Mullet
Registered Nurse License Applicant

15 Respondent.

Case No. 2013-414

STATEMENT OF ISSUES

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about May 4, 2011, the Board of Registered Nursing, Department of Consumer
23 Affairs received an application for a Registered Nurse License from Katherine Denise Baird, aka
24 Katherine Denise Mullet (Respondent). On or about May 1, 2011, Respondent certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on March 26, 2012.

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28 JURISDICTION

1 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
2 Department of Consumer Affairs, under the authority of the following laws. All section
3 references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a
5 license when it finds that the applicant has committed any acts constituting grounds for denial of
6 licensure under section 480 of that code.

7 STATUTORY/REGULATORY PROVISIONS

8 5. Section 2761 of the Code states:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an
10 application for a certificate or license for any of the following:

11 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

12 ...

13 "(e) Making or giving any false statement or information in connection with the application
14 for issuance of a certificate or license.

15 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
16 functions, and duties of a registered nurse, in which event the record of the conviction shall be
17 conclusive evidence thereof."

18 6. Section 2762 of the Code states:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this
20 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
21 chapter to do any of the following:

22 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
23 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
24 administer to another, any controlled substance as defined in Division 10 (commencing with
25 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
26 defined in Section 4022.

27 ...

1 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
2 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
3 or the possession of, or falsification of a record pertaining to, the substances described in
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
5 thereof."

6 7. California Code of Regulations, title 16, 1444 states, in pertinent part, that a
7 conviction or act shall be considered to be substantially related to the qualifications, functions or
8 duties of a registered nurse if to a substantial degree it evidences the present of potential unfitness
9 of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

10 8. Section 480 of the Code states:

11 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
12 one of the following:

13 "(1) Been convicted of a crime. A conviction within the meaning of this section means a
14 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
15 board is permitted to take following the establishment of a conviction may be taken when the
16 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when
17 an order granting probation is made suspending the imposition of sentence, irrespective of a
18 subsequent order under the provisions of Section 1203.4 of the Penal Code.

19 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
20 benefit himself or herself or another, or substantially injure another.

21 "(3) Done any act that if done by a licentiate of the business or profession in question,
22 would be grounds for suspension or revocation of license."

23 FIRST CAUSE FOR DENIAL OF APPLICATION
24 (Conviction for Conspiracy to Distribute LSD)
25 (Bus. & Prof. Code §§ 480, subd. (a) and (1); 2761, subd. (f))

26 9. Respondent's application is subject to denial under Code sections 480, subdivision
27 (a)(1), and 2761, subdivision (f), for a criminal conviction. On or about December 1, 1993, in a
28 criminal proceeding entitled *People of the State of California v. Katherine Denise Baird*, in the
Eastern District of Louisiana, Case Number CR 93-117D, Respondent was convicted by a plea of

1 guilty of violating 21 USC 846 (Conspiracy to distribute Lysergic Acid Diethylamide (LSD)).
2 Respondent was sentenced to serve 42 months in prison, followed by a three year term of
3 supervised release, ordered to complete a substance abuse treatment plan, submit to search and
4 seizure and drug testing, and pay court-related fees.

5 SECOND CAUSE FOR DENIAL OF APPLICATION

6 (Unprofessional Conduct – Possession and Distribution of a Controlled Substance)
7 (Bus. & Prof. Code §2762, subd. (a))

8 10. The allegations in paragraph 9 are hereby realleged and incorporated by reference
9 as if fully set forth.

10 11. Respondent's application is subject to denial under Code section 2761, subdivision
11 (a), as defined by section 2762, subdivision (a), for unprofessional conduct in that she possessed
12 and distributed a controlled substance. As set forth in paragraph 9 above, Respondent was
13 convicted of possessing and conspiring to distribute LSD.

14 THIRD CAUSE FOR DENIAL OF APPLICATION

15 (Unprofessional Conduct – Use of a Controlled Substance)
16 (Bus. & Prof. Code §2762, subd. (b))

17 12. The allegations in paragraph 9 are hereby realleged and incorporated by reference
18 as if fully set forth.

19 13. Respondent's application is subject to denial under Code section 2761, subdivision
20 (a), as defined by section 2762, subdivisions (b), for unprofessional conduct in that she used a
21 controlled substance. As set forth in paragraph 9 above, she used a dangerous drug in a manner
22 dangerous or injurious to herself or the public by her possession of and conspiring to distribute
23 LSD.

24 FOURTH CAUSE FOR DENIAL OF APPLICATION

25 (Unprofessional Conduct – Conviction for Conspiracy to Distribute a Controlled Substance)
26 (Bus. & Prof. Code §2762, subd. (c))

27 14. The allegations in paragraph 9 are hereby realleged and incorporated by reference
28 as if fully set forth.

1 15. Respondent's application is subject to denial under Code section 2761, subdivision
2 (a), as defined by section 2762, subdivision (c), for unprofessional conduct in that she was
3 convicted for conspiring to distribute a controlled substance. As set forth in paragraph 9 above,
4 Respondent was convicted of possessing and conspiring to distribute LSD.

5 FOURTH CAUSE FOR DENIAL OF APPLICATION
6 (1990 Conviction for Shoplifting)
7 (Bus. & Prof. Code § 2761, subd. (f))

8 16. Respondent's application is subject to denial under Code section 2761, subdivision
9 (f), for a criminal conviction. In 1990, in a criminal proceeding entitled *People of the State of*
10 *California v. Katherine Denise Baird*, in the Superior Court of the State of California, County of
11 Contra Costa, Case Number 1-0798632-6, Respondent was convicted for shoplifting at
12 Nordstrom's Department Store in Walnut Creek. Respondent was ordered to pay court fees in the
13 amount of \$100.00.

14 FIFTH CAUSE FOR DENIAL OF APPLICATION
15 (Unprofessional Conduct - Conviction for Shoplifting)
16 (Bus. & Prof. Code §2761, subd. (a))

17 17. The allegations in paragraph 16 are hereby realleged and incorporated by reference
18 as if fully set forth.

19 18. Respondent's application is subject to denial under Code section 2761, subdivision
20 (a), for unprofessional conduct in that she was convicted for shoplifting. As set forth in
21 paragraph 16 above, she was convicted for shoplifting.

22 SIXTH CAUSE FOR DENIAL OF APPLICATION
23 (Falsification of Registered Nurse Application)
24 (Bus. & Prof. Code §2761, subd. (e))

25 19. Respondent's application is subject to denial under Code section 2761, subdivision
26 (e), in that on or about May 1, 2011, Respondent certified under penalty of perjury to the
27 truthfulness of all statements, answers, and representations in the application. However, when
28

asked whether or not she had ever been convicted of any offense other than minor traffic violations, Respondent failed to disclose that she had two convictions on her record.

SIXTH CAUSE FOR DENIAL OF APPLICATION
(Committed Acts Which if Done by a Licentiate)
(Bus. & Prof. Code §480, subd. (a)(1), (2), and (3))

20. Respondent's application is subject to denial under Code section 480, subdivisions (a)(1), (2), and (3), in that Respondent committed acts which if done by a licentiate of the profession would constitute grounds for discipline as set forth in paragraphs 9, 16, and 19 above. This conduct would constitute grounds for discipline under Code section 2761, subdivision (a) (unprofessional conduct) in conjunction with sections 2761, subdivisions (e) (making or giving any false statement or information) and (f) (conviction of a substantially related offense), 2762, subdivisions (a) (obtain or possess any controlled substance), (b) (use of a dangerous drug), and (c) (conviction of a crime involving a controlled substance).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Katherine Denise Baird, aka Katherine Denise Mullet for a Registered Nurse License;
2. Taking such other and further action as deemed necessary and proper.

DATED: November 20, 2012 Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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statement of issues.rtf